

Notice of Allowability	Application No.	Applicant(s)	
	10/705,673	MIZUTANI ET AL.	
	Examiner	Art Unit	
	Karin M. Reichle	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-11-09.
2. ☒ The allowed claim(s) is/are 19,20,32 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>4/22/09</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>Sheets 1 and 3-6 of Approved Drawing Changes</u>. |
|---|---|

/Karin M. Reichle/
Primary Examiner, Art Unit 3761

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Louis DelJuidice on May 27, 2009.

3. The application has been amended as follows:

In the Abstract

Replace the 5-11-09 abstract with the following abstract:

An interlabial pad individual wrapping container is presented which facilitates sanitary application and removal of an interlabial pad between the labia of a wearer. The interlabial individual wrapping container can be used as a preferred handling member at the time of application or removal of the interlabial pad. Two fingers of the left hand are inserted in finger insertion openings formed from a belt body attached on the wrapping container, the wrapping container is separated into the sections along a separation part by opening these fingers to the left and right, and in this state, the action for applying the interlabial pad held on a finger of the right hand is performed.

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In the Substitute Specification filed 11-13-06 as amended 4-25-07:

page 2, line 11: delete entire line and replace with --Summary of the Invention--;

page 3, line 1: change “According to the” to --The--;

page 3, line 3: delete “the wrapping...pad”;

page 3, line 19: change “According to the” to --The--;

page 3, line 21: delete “the wrapping container”;

page 6, lines 7-8: change “where the finger insertion portion can be” to --includes a finger insertion portion--.

In the amendment/insert to page 29, line 8 of the 11-13-06 substitute specification filed 4-25-07 (Note the following underlined page numbers refer to the actual page numbers of the pages of such 4-25-07 amendment at the top of each page):

page 4, line 6 and page 12, line 14 and page 13, line 14 and page 18, line 9: change “according ...implementation of” to --in--;

page 4, line 8 and page 12, line 21: change “According ...implementation of “ to --In--;

page 5, line 20: after “above”, insert --in the Summary section--;

page 10, last line change “(c)” to --(C)--.

In the amendment to page 40, line 23 of the 11-13-06 substitute specification filed 4-25-07:

On line 4: change “as...16” to --referring to Fig. 28, an adhesive (not shown)--;

On line 5: delete “16”.

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In Claim 19(Patent Claim 2):

line 3: change “an inner” to --the interior-- and “an outer” to --the exterior--.

In Claim 33(Patent Claim 1):

line 12: change “the container” to --a wrapping container-- and after “wearer”, insert --,,,

line 13: delete “,”

line 14: after “the”, insert --wrapping--;

lines 31-33: rewrite as --labia of the wearer can be opened by the fingers holding the separate sections and the wearer can fix the interlabial pad removed from the container and held on the finger of the one hand in the labia in such a way as the fingers of the other hand never come in contact--

line 38: change “other” to --opposite--,

line 39: change “mini-sheet” to --mini sheet--.

Claims 1-3, 28 and 30 were previously cancelled.

Claims 4-18, 21-27, 29, 31 are cancelled.

Claims 19-20 and 32-33 are allowed.

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4. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: See attached sheets of approved annotated drawings, sheets 1 and 3-6. Sheets 2, 8, 10-13, 15-20, 22-23, 25, 27-40 as originally filed, Sheets 9, 14, 21, 24, 26 filed 11-13-06 and Sheet 7 filed 5-8-08 have been approved (It is however noted any of such sheets which are not consistently numbered, e.g. Sheet _ of 40, also need to be so numbered.) In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

5. The following is an examiner's statement of reasons for allowance: With regard to the changes to Figures 1 and 3-4 regarding line 15, see page 26, lines 1-12 and drawing sheets 1 and 3-5 of the application as originally filed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karin M. Reichle/
Primary Examiner, Art Unit 3761

May 27, 2009